

### **REMARKS**

This is intended to be a full and complete response to the Notice of Non-Compliant Amendment dated September 29, 2005. Specifically, this Response contains the Response of August 1, 2006, as filed, with the addition of the identification label added to the drawing replacement sheets.

### **IN THE DRAWINGS**

The Applicant has amended Figure 1 to add reference number 108 to describe a delivery line and reference number 100 to describe a system. Figure 5 has also been amended by replacing the reference number 520 with the reference number 502.

Also, the Applicant has amended paragraph [0045] to provide description of the reference numeral 506" in Figure 5. Replacement sheets have been attached for the Examiner's review. The Applicant believes that the replacement sheets are fully in compliance with 37 CFR 1.121 (d) and respectfully requests the objection withdrawn.

### **IN THE SPECIFICATION**

The Applicant has amended paragraphs [0019], [0038], [0045], and [0048] in the specification to correct errors as suggested by the Examiner. Accordingly, the Applicant respectfully requests the objection withdrawn.

### **CLAIM REJECTIONS**

#### **A. 35 U.S.C. §103(a) Claims 1-3, 6-11 and 14-26**

Claims 1-3, 6-11 and 14-26 stand rejected as being unpatentable over United States Patent Publication No. 2004/0166032 published August 26, 2004 to *Evans* in view of United States Patent Publication No. 2001/0041117 issued November 15, 2001 to *Comardo et al.* (hereinafter referred to as "*Comardo*"). The Applicant respectfully disagrees.

*Evans* only qualifies as prior art under 35 U.S.C. § 102(e). The Applicant respectfully submits that under 35 U.S.C. § 103(c), *Evans* can not be used as a reference under 35 U.S.C. § 103(a), as *Evans* and the present application share the

common inventor and are commonly assigned (or subject to an obligation of assignment to the same party) at the time of the invention of the present application. Since this application is filed after November 29, 1999, *Evans* does not preclude patentability under the provisions of 35 U.S.C. § 103(c), as amended by the American Inventors Protection Act of 1999. See MPEP 706.02(I)(1).

*Comardo* teaches a plurality of internal partitions disposed in a hopper. *Comardo* does not teach or suggest a separator disposed in the vessel and defining at least two compartments within the vessel, a plenum defined in the vessel and fluidly coupled to each compartments, and a plurality of dispense mechanisms, a respective one of each dispense mechanisms coupled to a respective compartment, as recited by claim 1; a catalyst injection vessel coupled to a fluid catalytic cracking unit having a plurality of catalyst storage chambers, as recited by claim 10, or a method including storing catalyst in a first compartment of a vessel, storing catalyst in a second compartment of the vessel, and dispensing catalyst from the first compartment into a fluid catalytic cracking unit, as recited by claim 21. As *Evans* does not preclude patentability of the present application, *Comardo* fails to teach or suggest all the claimed elements.

Thus, Applicant submits that independent claims 1, 10, and 21 and all claims depending therefrom are patentable over *Evans* in view of *Comardo*. Accordingly, the Applicant respectfully requests the rejection be withdrawn.

**B. 35 U.S.C. §103(a) Claims 4-5 and 12-13**

Claims 4-5 and 12-13 stand rejected as being unpatentable over *Evans* in view of *Comardo* and further in view of United States Patent No. 4,782,427 issued November 1, 1988 to *Marks* (hereinafter referred to as "*Marks*") or United States Patent No. 4,660,881 issued April 28, 1987 to *Komeya* (hereinafter referred to as "*Komeya*"). The Applicant respectfully disagrees.

Independent claim 1 recites elements not taught or suggested in the combination of *Comardo* and *Marks* or *Komeya*. *Evans* does not preclude patentability of the present application. *Comardo* merely teaches a plurality of internal partitions disposed in a hopper. *Marks* teaches adjusting an internal volume in a box. *Komeya* teaches a movable container that can be adjusted to move relative to a stationary retainer. None

of the references, alone or in combination, teaches a separator disposed in the vessel and defining at least two compartments within the vessel, a plenum defined in the vessel and fluidly coupled to each compartments, and a plurality of dispense mechanisms, a respective one of each dispense mechanisms coupled to a respective compartment, as recited by claim 1. As such, a *prima facie* case of obviousness has not been established as the references fail to teach all the claimed elements.

Thus, the Applicant submits that claims 4-5 and 12-13 that depend from independent claim 1 are patentable over *Evans* in view of *Comardo* and further in view of *Marks* or *Komeya*. Accordingly, the Applicant respectfully requests the rejection be withdrawn.


#### CONCLUSION

Thus, the Applicant submits that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issuance are earnestly solicited.

If, however, the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Mr. Keith Taboada at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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